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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/650,984	08/30/2000	Martin Joseph Kaplan	1156a	1263
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EXAMINER

WONG, BLANCHE

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/650,984	KAPLAN ET AL.	
	Examiner	Art Unit	
	Blanche Wong	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 August 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: Applicant is suggested to remove – s – from – the communications system – in ln. 14. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,7-9,11-12,14,20-22,24-25 are rejected under 35 U.S.C. 102(e) as being clear anticipated by Naboulsi et al. (U.S. Pat No. 5,805,591).

With regard to claims 1 and 14, Naboulsi discloses a user communication hub 26 (subscriber network interface) for providing communication services to an end user (multiple end users can be seen in Fig. 1) at a user location 24 (subscriber premise location), wherein the user communication hub 26 (subscriber network interface) comprises: a plurality of communication interfaces 62,64,66,68 (respective subscriber service modules) that are operational to communicate with a plurality of end-user communication devices 72,74,76,78,80 (explained in col. 6, ln. 31-63) that are located at the user location 24 (subscriber premise location) and that use a plurality of

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communications formats col. 6, ln. 54-59 (processing incoming and outgoing ATM cells in conformance with various standards), wherein the communication interfaces 62,64,66,68 (respective subscriber service modules) are operational to convert col. 6, ln. 54-59 (processing incoming and outgoing ATM cells in conformance with various standards) between the communications formats and an ATM format, wherein at least one of the communication interfaces 62,64,66,68 (respective subscriber service modules) comprises an analog telephony interface 87,89 (POTS telephone line cards) that is operational to convert col. 6, ln. 54-59 (processing incoming and outgoing ATM cells in conformance with various standards) between the analog telephony format and the ATM format; a DSL interface 68 (a subscriber service module that is configured as a telecommunications module supporting POTS telephone line ports, col. 6, ln. 41-44; the incoming ATM cells received over bus 67, wherein the digital information contained in each cell is disassembled from the incoming cell and reformatted, col. 6, ln. 46-48) that is coupled to the communications interfaces 62,64,66,68 (respective subscriber service modules) and a communication system (the subscriber network interface 26 is connected to some external system, Fig. 1) and that is operational to communicate col. 6, ln. 54-59 (processing incoming and outgoing ATM cells in conformance with various standards) with the communications system (the subscriber network interface 26 is connected to some external system Fig. 1) using an analog phone line (it is inherent that the lines from the POTS 87,89 through analog port 78,80, col. 6, ln. 43-44 and 66, are analog phone line) are with ATM over DSL format.

With regard to claims 7 and 20, Naboulsi further discloses a computer interface 64 (PC LAN connection) operational to convert between a computer format and the ATM format.

With regard to claims 8 and 21, Naboulsi further discloses an Ethernet interface 74 (see also col. 6, ln. 35-36, Ethernet connection).

With regard to claims 9 and 22, Naboulsi further discloses routing a communication request from a computer 10 to a service node in the communication system 30,50. Figs. 1,2. It is inherent that there is a routing and communication request because in order to establish connection, there must be an exchange of information such as an call initiation request from initiating to terminating (routing) devices.

With regard to claims 11 and 24, Naboulsi further discloses an ATM interface that is operational to exchange ATM signaling col. 6, ln. 54-59 (processing incoming and outgoing ATM cells in conformance with various standards) between the end-user communication devices 72,74,76,78,80 (explained in col. 6, ln. 31-63) and the communication system (PSTN and Data Network in Fig. 6).

With regard to claims 12 and 25, Naboulsi further discloses a MPEG interface 62 that is operational to provide video signal col. 6, ln. 32-33 (video transmission) to the end-user communication device 72 (see also col. 6, ln. 34-35) from the ATM format.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-6,10,13,15-19,23,26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naboulsi in view of Focsaneanu et al. (U.S. Pat No. 5,610,910).

With regard to claims 2 and 15, Naboulsi discloses the user communication hub of claim 1 and the method of claim 14. However, Naboulsi fails to explicitly show dial tone and power to the telephone.

In an analogous art, Focsaneanu discloses dial tone, col. 10, ln. 10-15.

A person of ordinary skill in the art would have been motivated to employ Focsaneanu in Naboulsi in order to obtain dial tone and power to the telephone. The suggestion/motivation to do so would have been to provide better utilization of CPE. Focsaneanu, col. 4, ln. 11-12. It would have been obvious that there is power to the telephone if there is a dial tone.

With regard to claims 3 and 16, Naboulsi discloses the user communication hub of claim 1 and the method of claim 14. However, Naboulsi fails to explicitly show on-hook and off-hook.

In an analogous art, Focsaneanu discloses on-hook and off-hook as part of a connection protocol, col. 1, ln. 46-50.

A person of ordinary skill in the art would have been motivated to employ Focsaneanu in Naboulsi in order to obtain on-hook and off-hook. The suggestion/motivation to do so would have been to provide better utilization of CPE. Focsaneanu, col. 4, ln. 11-12. At the time the invention was made, therefore, it would

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have been obvious to one of ordinary skill in the art to which the invention pertains to combine Focsaneanu and Naboulsi to obtain the invention as specified in claims 3 and 16.

With regard to claims 4 and 17, Naboulsi discloses the user communication hub of claim 1 and the method of claim 14. However, Naboulsi fails to explicitly show DTMF tones.

In an analogous art, Focsaneanu discloses DTMF, col. 10, ln. 10-15.

A person of ordinary skill in the art would have been motivated to employ Focsaneanu in Naboulsi in order to obtain DTMF. The suggestion/motivation to do so would have been to provide better utilization of CPE. Focsaneanu, col. 4, ln. 11-12. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Focsaneanu and Naboulsi to obtain the invention as specified in claims 4 and 17.

With regard to claims 5 and 18, Naboulsi discloses the user communication hub of claim 1 and the method of claim 14. However, Naboulsi fails to explicitly show echo cancellation.

Focsaneanu supports quality of service, col. 11, ln. 7-16, and echo cancellation improves quality of service.

A person of ordinary skill in the art would have been motivated to have echo cancellation in Naboulsi in order to obtain higher quality of service. The suggestion/motivation to do so would have been to provide better utilization of CPE.

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Focsaneanu, col. 4, ln. 11-12. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Focsaneanu and Naboulsi to obtain the invention as specified in claims 5 and 18.

With regard to claims 6 and 19, Naboulsi discloses the user communication hub of claim 1 and the method of claim 14. However, Naboulsi fails to explicitly show forwarding control information to a service node in the communication system.

In an analogous art, Focsaneanu discloses control information 248 (database: customer profile, routing table, service provider profile, etc.) to a service node (service provider) in a communication system (between telephones (POTS) and the greater network (Data Network)). Fig. 8; col. 7, ln. 12-col. 9, ln. 6.

A person of ordinary skill in the art would have been motivated to have aconnection from a telephone to a greater network. The suggestion/motivation to do so would have been to provide better utilization of CPE. Focsaneanu, col. 4, ln. 11-12. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Focsaneanu and Naboulsi to obtain the invention as specified in claims 6 and 19.

With regard to claims 10 and 23, Naboulsi discloses the user communication hub of claim 1 and the method of claim 14. However, Naboulsi fails to explicitly show a Java interface.

A person of ordinary skill in the art would have been motivated to have a Java interface in a web server such as the one 604 in Fig. 6 of Focsaneanu. . The suggestion/motivation to do so would have been to provide Java, an object-oriented programming language that is useful for programming Web application. Microsoft Computer Dictionary, 5th Ed. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Focsaneanu and Naboulsi to obtain the invention as specified in claims 10 and 23.

With regard to claim 13 and 26, Naboulsi discloses the user communication hub of claim 1 and the method of claim 14. However, Naboulsi fails to explicitly show a utility interface.

A person of ordinary skill in the art would have been motivated to have a utility interface for practical uses such as collecting (including storing, forwarding, etc.) data. The suggestion/motivation to do so would have been to maximize information processing. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Focsaneanu and Naboulsi to obtain the invention as specified in claims 13 and 26.

Response to Amendment

6. Applicant's arguments filed August 31, 2004, have been fully considered but they are not persuasive.

Applicant argued that the "DSL interface uses an analog phone line to communicate with the communication system," Remark, p. 8. However, Naboulis shows POTS telephone line ports 78,80, col. 6, ln. 43-44, and that these ports are analog, col. 6, ln. 66. It is inherent that the lines from the ports are analog phone line.

Applicant also argued that "coaxial cables ... are separate systems connected to households and are independent of phone distribution systems," Remark, p. 8. However, a structural issue where is the analog phone line arises in the amended claim. Although the claim language differentiates between coaxial cable and analog phone line, the location of the analog phone line is undefined in the claim or limitation. Claim 1 only recites "that is operational to communicate with the communication system using an analog phone line with ATM over DSL format," in which case it is inherent in Naboulis an analog phone line that runs from POTS to a telephone and Naboulis explicitly shows the POTS interface within the subscriber network interface 26 that is connected to some external system, Fig. 1.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BW *BW*
February 17, 2005

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